

§ 1416.202

weight categories of less than 400 pounds, and 400 pounds or more at the time they died.

Poultry means domesticated chickens, turkeys, ducks and geese. Poultry will be further delineated by sex, age and purpose of production, as determined by CCC.

Ram means a male sheep.

Sheep means domesticated, ruminant mammals of the genus *Ovis*. Sheep will be further delineated by sex (rams and ewes) and age (lambs).

Swine means domesticated omnivorous pigs, hogs, and boars. Swine will be further delineated by sex and weight as determined by CCC.

§ 1416.202 Eligible owners and contract growers.

(a) To be considered eligible, a livestock owner must have had legal ownership of the eligible livestock, as provided in §1416.203(a), on the day the livestock died.

(b) To be considered eligible, a contract grower on the day the livestock died must have had:

(1) A written agreement with the owner of eligible livestock setting the specific terms, conditions and obligations of the parties involved regarding the production of livestock; and

(2) Control of the eligible livestock, as provided in §1416.203(b), on the day the livestock died.

§ 1416.203 Eligible livestock.

(a) To be considered eligible livestock for eligible livestock owners, livestock:

(1) In any county provided in §1416.2(d) that was an eligible county in accordance with 7 CFR 760.101, must meet all the following:

(i) Be catfish or crawfish as defined in §1416.201;

(ii) Died in an eligible county as a direct result of an applicable hurricane during the disaster period;

(iii) Been maintained for commercial use as part of a farming operation on the day they died; and

(iv) Before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation, including but not limited to wild free roaming animals or animals used for recreational purposes,

such as pleasure, hunting, pets, or for show.

(2) In any county provided in §1416.2(d) that was not an eligible county according to 7 CFR 760.101, must meet all the following:

(i) Be adult or non-adult dairy cattle, beef cattle, buffalo, beefalo, catfish, crawfish, equine, sheep goats, swine, poultry or deer;

(ii) Died in an eligible county as a direct result of an applicable hurricane during the disaster period;

(iii) Been maintained for commercial use as part of a farming operation on the day they died; and

(iv) Before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation, including but not limited to wild free roaming animals or animals used for recreational purposes, such as pleasure, hunting, pets, or for show.

(b) To be considered eligible livestock for eligible contract growers, livestock must meet all the following:

(1) Be poultry as defined in §1416.201;

(2) Died in an eligible county provided in §1416.2(d) that was not an eligible county as provided in 7 CFR 760.101;

(3) Died as a direct result of an eligible hurricane during the applicable disaster period as set forth in §1416.2;

(4) Been maintained for commercial use as part of a farming operation on the day they died; and

(5) Before dying, not have been produced or maintained for reasons other than commercial use as part of a farming operation, including but not limited to wild free roaming animals or animals used for recreational purposes, such as pleasure, hunting, pets, or for show.

(c) No producer may receive duplicative payments under this subpart and any other Federal program for the same loss. Except catfish and crawfish, livestock that died in any county set forth in §1416.2(d) that was an eligible county under §760.101 of this title are not eligible livestock under this subpart.

§ 1416.204 Application process.

(a) Applicants must submit to CCC a completed application in accordance

with §1416.5, a copy of their grower contract if the applicant is a contract grower, and other supporting documents necessary for determining the eligibility of the applicant. Supporting documents must show: Evidence of loss; current physical location of livestock in inventory; and physical location of claimed livestock at the time of death.

(b) Applicants must provide adequate proof that the death of the eligible livestock occurred in an eligible county as a direct result of an eligible hurricane during the disaster period. The quantity and kind of livestock that died as a direct result of the eligible hurricane may be documented by: Purchase records; veterinarian records; bank or other loan papers; rendering truck receipts; Federal Emergency Management Agency records; National Guard records; written contracts; production records, Internal Revenue Service records; property tax records; private insurance documents; and other similar verifiable documents, as determined by CCC.

(c) Certifications of livestock deaths by third parties may be accepted only if both the following conditions are met:

(1) The livestock owner or livestock contract grower, as applicable, certifies in writing:

(i) That there is no other documentation of death available;

(ii) The number of livestock, by category determined by the Deputy Administrator, were in inventory at the time the applicable hurricane occurred;

(iii) Other details necessary for CCC to determine the certification acceptable; and

(2) The third party provides their telephone number, address, and a written statement containing:

(i) Specific details about their knowledge of the livestock deaths;

(ii) Their affiliation with the livestock owner;

(iii) The accuracy of the deaths claimed by the livestock owner; and

(iv) Other details necessary for CCC to determine the certification acceptable.

§ 1416.205 Payment calculation.

(a) Under this subpart, separate payment rates are established for eligible livestock owners and eligible livestock contract growers in accordance with paragraphs (b) and (c) of this section. LIP-II payments are calculated by multiplying the national payment rate for each livestock category, as determined in paragraphs (b) and (c) of this section, by the number of eligible livestock in each category, as provided in paragraphs (f), (g) and (h) of this section. Adjustments shall be applied in accordance with paragraphs (d) and (e) of this section and §1416.206.

(b) The LIP-II national payment rate for eligible livestock owners is based on 30 percent of the average fair market value of the livestock.

(c) The LIP-II national payment rate for eligible livestock contract growers is based on 30 percent of the average income loss sustained by the contract grower with respect to the dead livestock.

(d) The payment calculated for eligible livestock owners shall be reduced by the amount the applicant received for the specific livestock under:

(1) Subpart E of Part 760 of this title, the Livestock Indemnity Program;

(2) Subpart G of Part 760 of this title, the Aquaculture Program; and

(3) Part 1437 of this chapter, the Non-insured Crop Disaster Assistance Program.

(e) The payment calculated for eligible livestock contract growers shall be reduced by the amount the applicant received for the specific livestock:

(1) Under the Livestock Indemnity Program under Subpart E of Part 760 of this title; and

(2) From the party who contracted with the producer to grow the livestock for the loss of income from the dead livestock.

(f) The categories of eligible livestock in any county provided in §1416.2(d) that was not an eligible county according to 7 CFR 760.101 for eligible livestock contract growers are as follows:

(1) Chickens, layers, roasters;

(2) Chickens, broilers, pullets;

(3) Chickens, chicks;

(4) Turkeys, toms, fryers, roasters;

(5) Turkeys, poults;